30

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6477 of 2007

PETITIONER Ramesh Dhar Diwan aged 49 years, son of Shri Ramkhilawandhar Diwan, Line Paricharak grade-2, Class IV employee, office of Executive Engineer(Sancha Samdha) Division-1, Durg Chhattisgarh State Electricity Board, Durg, Tahsil and District Durg(CG)

Versus

RESPONDENTS

1. The Chhattisgarh State Electricity Board, Through the Secretary, Chhattisgarh State Electricity Board, Raipur(CG)
2. Divisional Engineer(Sancha Sandha) Division No.1, Chhattisgarh State Electricity Board, Durg, Tahsil and District Durg(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Ajay Shrivastava, counsel for the petitioner.

ORAL ORDER
(13.11.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner, who is working on the post Line Paricharak in C.S.E.B., Division Durg, has been transferred to Ambikapur.

Learned counsel for the petitioner argues that as per the circular dated 30th August, 1997(Annexure P-2), Class-IV employees like petitioner are not to be transferred out of the district. Secondly, he argues that if the transfer of the petitioner is affected, it may affect his seniority because the seniority of the employees like petitioner is maintained division-wise.

I have considered the arguments advanced by learned counsel for the petitioner.

So far as the first argument is concerned, circular dated 30th August, 1997 does not impose a complete bar against the transfer,

It says that generally such transfer is not to be affected, that means in the special circumstances, such transfer can be affected. Therefore, this circular is not helpful to the petitioner. As far as the seniority of the petitioner is concerned, the petitioner has not filed any such document, which may show that his transfer would adversely affect his seniority, if he is posted at the transferred place.

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also on public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground of malafide or of extraneous consideration or that the order has been passed against any statutory rule or the Act.

For the foregoing reasons, I am not inclined to admit this petition for hearing. The petition is not worth admission. The same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge

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